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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**COMMANDANT, HQRS,
A. P. SPECIAL PROTECTION FORCE,
TIRUPATI.**

Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2019-20.

Date: 30.04.2020.

SHOW CAUSE NOTICE

O.E. AGAINST Sri P. BABU RAO, CT-5344 OF APSPF, COMMANDANT OFFICE, TIRUPATI - FORWARDING OF MINUTES COPY - FINAL EXPLANATION CALLED FOR - REGARDING.

- Ref : 1) This Office Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/ 2019-20 O.O.No.265/2020, Dated: 22.02.2020.
2) Charge Memo: This Office Rc.No.08/A3/Comdt.Hqrs/APSPF/ TPT/2019, Dated: 21.11.2019.
3) Rc.No. 13/AC/SPF/TTD/TPT/OE-5344/2020/D.No.741, Dated: 11.04.2020 of the Asst. Commandant, APSPF, Tirupati.

-:O:-

In the reference 1st cited, an Oral Enquiry was ordered against you in connection with the Article of Charge framed vide reference 2nd cited. Now the Enquiry Officer Sri O. Krishnaiah, Asst. Commandant, APSPF, TTD Tirupati has submitted Oral Enquiry report duly "**Proving**" the Article of Charge vide reference 3rd cited. A copy of the enquiry report is sent herewith, with instructions to submit your final explanation if any, in order to dispose off the Oral Enquiry.

Your explanation should reach this office within (10) days from the date of receipt of this Memo, failing which, the O.E. will be disposed off basing on the merits.

Dated: 30-04-2020.

Sd/-.,
*Commandant, Hqrs.,
A.P. Special Protection Force,
Tirupati.*

To

Sri P. Babu Rao, CT-5344 of APSPF, Commandant Office, Tirupati.
thro' the Inspector(Admn), APSPF, Tirupati.

**IN THE DEPARTMENTAL ORAL ENQUIRY HELD AGAINST
SRI P. BABU RAO, CT-5344 OF SPF, TIRUPATI**

*Submitted by
Enquiry Officer
Sri O. Krishnaiah,
Asst Commandant, SPF, TTD, Tirupati
vide Rc.No. 13/AC/SPF/ TPT/ OE
CT- 5344/2020, Dated: 11.04.2020.*

- 1) Under sub-rule (02) of Rule (20) of AP. Civil Services (CC&A) Rules 1991, I was appointed as Inquiring Authority by the Commandant, Headquarters, APSPF, Tirupati to enquire into the charges framed against Sri P.Babu Rao, CT-5344 of SPF, Tirupati vide Proceedings. Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2019-20, O.o.No.265/2020, Dt: 22.02.2020. I have since completed my inquiry and on the basis of the documents and oral evidence adduced before me, I prepared my enquiry report as under:-
- 2) No presenting officer has been appointed.
- 3) The charged officer Sri P.Babu Rao, CT-5344 of SPF, Tirupati has not attended to the O.E on 16.03.2020.
- 4) The following article of charge has been framed against Sri P.Babu Rao, CT-5344 of SPF, Tirupati.

ANNEXURE- I

Statement of Articles of Charge framed against Sri P.Babu Rao, CT-5344 of APSPF, Commandant Office, Tirupati.

ARTICLE - I

That the said Sri P.Babu Rao, CT-5344 while under gone on the Job training with A.P. State Disaster Response & Fire Service Department, reported sick before the Station Fire Officer, Suryabagh Fire Station, Visakhapatnam on 15.05.2019. Subsequently, he availed Medical Leave for a period of (84) days in three different spells i.e., (28) days from 15.05.2019 AN to 12.06.2019 AN, (28) days from 13.06.2019 FN to 10.07.2019 AN

and (28) days from 11.07.2019 AN to 07.08.2019 AN, As advised by the Causality Medical Officer, King George Hospital, Visakhapatnam. After availing the said Medical Leave, he neither reported for duties nor intimated his whereabouts to superiors and became unauthorized absence w.e.f. 07.08.2019 AN. Further, a Recall Memo was sent to his native address by Registered Post instructing him to report back for duties immediately. However, he did not respond to the said Recall Memo and continued on unauthorized absence w.e.f. 07.08.2019 AN.

By the above acts, he has exhibited gross misconduct and negligence towards his legitimate duties, which is un-becoming of a Government servant, thereby violating Rule-3 of APCs (conduct) Rules-1964.

ANNEXURE - II

List of Documents:

- 1) Report submitted by the Station Fire Officer, Suryabagh Fire Station, Visakhapatnam to the District Fire Officer, Visakhapatnam vide Rc.No.33/Visakhapatnam/2019-20, Dated: 13.08.2019.
- 2) Report of the Inspector(Admn), O/o the Commandant, Hqrs, APSPF, Tirupati vide C.No.01/Inspr(Admn)/APSPF/TPT/2019, dated: 13.08.2019.
- 3) This Office Rc.No.01/Comdt.Hqrs/APSPF/TPT/2019, Dt: 14.08.2019.
- 4) This Office Rc.No.01/Comdt.Hqrs/APSPF/TPT/2019, Dt:07.10.2019.
- 5) Recall Memo: This Office Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2016, dated:29.10.2019.

ANNEXURE-III

List of witnesses:-

- 1) The Inspector (Admn), O/o Commandant, Hqrs., APSPF, Tirupati.

5). CASE OF THE DISCIPLINARY AUTHORITY:

It is reported by the Inspector (Admn), APSPF, Tirupati that (73) personnel of SPF, who were allotted to APSPF and posted to Commandant Office, APSPF, Tirupati were undergone on the Job Training with AP State Disaster Response and Fire Services Department. Out of 73 personnel, except one CT-5344 Sri P.Babu Rao, all the 72 personnel have reported at Commandant Office, APSPF, Tirupati on 10.08.2019 and 11.08.2019. When the Inspector (Admn), APSPF, Tirupati asked the Station Fire Officer, Fire Station, Suryabagh, Visakhapatnam about the CT-5344 Sri P.Babu Rao, he has informed that the above CT, who was attached to Fire Station, Suryabagh, Visakhapatnam for on the Job training has reported sick on 15.05.2019 and he has availed 84 days ML in three different spells w.e.f. 15.05.2019 to 07.08.2019 as advised by the Medical Officer, KGH Visakhapatnam. He was supposed to report back for duties with MFC on 07.08.2019 (AN). But he did not report for duties. Further, the Station Fire Officer, Suryabagh Fire Station, Visakhapatnam has sent a letter to the DFO, Visakhapatnam vide RC.No.33/Visakhapatnam/2019-20, Dt: 13.08.2019 **(Marked as Exhibit P.E-I)** stating that the SPF CT-5344 Sri P.Babu Rao initially reported sick on 15.05.2019 and subsequently extended medical leave up to 07.08.2019 as advised by the Medical Officer,

KGH, Visakhapatnam. Even though a period of (90) days has been completed by 12.08.2019, he did not report for duties. In this regard a report was submitted to the Commandant, Hqrs, APSPF, Tirupati by the Inspector (Admn), Tirupati vide C. No. 01/Inspr(Admn)/APSPF /TPT/2019, Dt:13.08.2019 (**Marked as Exhibit P.E-II**). Further, the Commandant, Hqrs, APSPF, Tirupati has informed to the Director General, APSPF, Guntur vide Rc.No.01/Comdt.Hqrs/APSPF/TPT/2019, Dt: 14.08.2019 (**Marked as Exhibit P.E-III**). After that, the Commandant, Hqrs, APSPF, Tirupati has sent a to the Director General, APSPF, Guntur stating that the CT- 5344 Sri P.Babu Rao, who was supposed to report for duties from ML on 07.08.2019 neither reported for duties nor extended medical leave and he failed to inform his whereabouts to his superiors vide Rc.No.01 /Comdt.Hqrs/APSPF/ TPT/2019, Dt:07.10.2019 (**Marked as Exhibit P.E-IV**).

Further, the Commandant, Hqrs, APSPF, Tirupati has sent a Re-call Memo to the CT-5344, Sri P.Babu Rao to his native address vide Re-call Memo Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2019, Dt: 29.10.2019 (**Marked as Exhibit P.E-V**) instructing him to report for duties immediately, failing which disciplinary action will be initiated.

Further, a memorandum of charge was framed against Sri P.Babu Rao, CT-5344 under Rule 20 of APCS (CC&A) Rules-1991 by the Commandant, Hqrs, APSPF, Tirupati calling explanation vide Rc.No.08/A3/Comdt.Hqrs/ APSPF/TPT/2019, Dt: 21.11.2019. But it could not be served to the charged officer Sri P.Babu Rao, CT-5344 as the registered postal cover containing memorandum of charge sent to the CT-5344 Sri P.Babu Rao received back with the postal remarks that "Addressee left without instructions. Hence returned to sender". In this connection the Inspector (Admn) APSPF, Tirupati has sent the unserved memorandum of charge to the Commandant, Hqrs, APSPF, Tirupati Vide C.No.13 /Insp/ APSPF/TPT/CT-5344/2019/ D.No.2071, Dt:30.12.2019. Subsequently, the memorandum of charge was published in the AP Gazette vide Gazette notification W.No.5 & G.559 Dt:30.01.2020. Even though the memorandum of charge published in AP Gazette, the charged officer did not respond and not submitted explanation to the memorandum of charge. Thereafter, the disciplinary authority i.e. Commandant, Hqrs, APSPF, Tirupati has ordered departmental enquiry appointing me (Asst. Commandant, APSPF, TTD Tirupati) as Inquiring Authority to enquire in to the charge framed against the charged officer Sri P.Babu Rao, CT-5344 vide Proceedings C.No.08/A3/Comdt. Hqrs/APSPF/TPT/2019-20, O.O.No.265/2020, Dt:22.02.2020. Accordingly, O.E date was fixed to conduct oral enquiry against the charged officer Sri P.Babu Rao, CT-5344 at O/o Asst.Commandant, APSPF, TTD Tirupati on 16.03.2020 and sent the O.E intimation letter (Memorandum) to the charged officer as well as P.W i.e Inspector (Admn), APSPF, Tirupati vide C.No.13/AC/SPF/TTD-TPT/O.E/CT-5344/2020/D.No.477, Dt:07.03.2020. But the charged did not attend to the O.E on 16.03.2020. However an ex-parte enquiry was conducted and recorded the statement of P.W. In this connection a report was sent to the Commandant, Hqrs, APSPF, Tirupati seeking instructions whether to submit the OE report based on the documentary evidence and oral evidence/statement given by the P.W i.e. Inspector (Admn), APSPF, Tirupati, or otherwise vide C.No.13/AC/SPF/TTD-TPT/O.E/CT-5344/2020/D.No.580, Dt: 16.03.2020, the Commandant, Hqrs, APSPF, Tirupati has instructed to depose the O.E and submit OE report basing on its merits vide memorandum Rc.No.08/A3/Comdt.Hqrs/APSPF/ TPT/2019-20, DT:23.03.2020.

During the course of O.E, the P.W has deposed his statement as follows:-

**Statement of Sri Ch. Padmalochana, Inspector (Admn), APSPF,
Tirupati, Age-42 Years, S/o Late Ch.Satyanarayana,
recorded on 16.03.2020.**

I, Ch.Padmalochana, Inspector (Admn) am working at SPF unit TTD Tirumala w.e.f 28.02.2020. As per the records available in the office, I depose my statement as follows :

Out of (172) personnel of SPF, who were allotted to APSPF and transferred from TSSPF, (73) personnel were posted to Commandant Office, APSPF Tirupati and they were undergone on the Job Training with AP State Disaster response and Fire Services Department. After completion of on the Job training all the personnel, who were posted to Commandant Office, Tirupati have reported at Commandant Office, Tirupati on 10.08.2019 and 11.08.2019 except the CT-5344 Sri P.Babu Rao. Since the CT-5344 was attached to Suryabhagh Fire Station, Visakhapatnam for on the Job training, my predecessor Inspector (Admn) has asked the Station Fire Officer, Suryabhagh Fire Station, Visakhapatnam regarding whereabouts of the CT-5344 Sri P. Babu Rao.

Accordingly, the S.F.O of said Fire Station, besides informing about the CT-5344, he has sent a copy of letter addressed to the DFO, Visakhapatnam to this office wherein he stated that the CT-5344 Sri P.Babu Rao has initially reported sick on 15.05.2019 and availed (84) days ML in three spells i.e. 28 days from 15.05.2019 (AN) to 12.06.2019 (AN), 28 days ML from 13.06.2019 (FN) to 10.07.2019 (AN) and 28 days ML from 11.07.2019 (FN) to 07.08.2019 (AN) as advised by the Medical Officer, KGH, Visakhapatnam. Even though a period of (90) days has been completed by 12.08.2019, the CT-5344 Sri P.Babu Rao did not report for duties. In this connection the then Inspector (Admn) has submitted a report to the Commandant, Hqrs, APSPF, Tirupati vide Letter C.No.01 /Inspector (Admn)/APSPF/TPT/2019, Dt: 13.08.2019 duly enclosing the copy of report sent by SFO, Suryabhagh Fire Station, Visakhapatnam for further course of action. Further, the CT-5344, Sri P.Babu Rao neither reported for duties nor informed his whereabouts to his superiors and continued on un-authorized absence w.e.f 07.08.2019 (AN) and he did not report for duties so far.

CROSS EXAMINATION BY THE CHARGED OFFICER

The Charged Officer did not attend to the O.E.

6) Case of the Defendant :

The charged officer neither submitted his explanation to the memorandum of charge nor attended to the O.E to submit his defense statement.

7) Analysis and Assessment of Evidence :

1. It is fact as per the orders of Director General, APSPF, Guntur vide Rc.No.A1/APSPF/03/2014-19, O.O.No.A-67/2019, Dt:26.04.2019, the charged officer Sri P.Babu Rao, CT-5344 has attended to undergo “on the Job training” with AP Fire Service Department along with other SPF personnel.
2. The report of Station Fire Officer, Suryabagh Fire Station, Visakhapatnam, which was addressed to the D.F.O, Visakhapatnam reveals that while the charged officer was undergoing “on the Job training” at Fire Station, Suiyabagh, Visakhapatnam, he reported sick on 15.05.2019 and he subsequently availed medical leave for a period of (84) days in three different spells i.e. (28) days from 15.05.2019 (AN) to 12.06.2019 (AN), (28) days from 13.06.2019 to 10.07.2019 and (28) days from 11.07.2019 to 07.08.2019 as advised by the Medical Officer, K.G.H, Visakhapatnam. After availing above ML, he has to resume for duties with MFC on 07.08.2019 (AN). But neither he reported for duties nor extended medical leave. He un-authorisedly absented for duties by becoming OSL from ML without any intimation to his superiors.
3. The charged officer Sri P.Babu Rao, CT-5344 has not submitted his explanation to the memorandum of charge. Even the memorandum of charge was published in A.P Gazette on 30.01.2020, he did not respond and failed to submit his defense statement. The O.E intimation letter (Memorandum) has been sent to the native address of the charged officer through registered post. But the charged officer did not attend to the O.E on 16.03.2020. However, an **ex-parte enquiry** was conducted and recorded the statement of P.W. Further, a report was submitted to the Disciplinary Authority i.e. Commandant, Hqrs, APSPF, Tirupati seeking instructions whether to submit O.E report based on the oral evidence, the Commandant, Hqrs, APSPF, Tirupati has issued instructions to depose off the O.E based on its merits vide memorandum Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2019-20, DT: 23.03.2020.
4. All the reports and statement given by the P.W i.e. Inspector (Admn), APSPF, Tirupati, it is corroborated that initially the charged officer Sri P.Babu Rao, CT-5344 reported sick on 15.05.2019 and availed (84) days ML w.e.f.15.05.2019 (AN) to 07.08.2019 (AN) in different spells. Instead of reporting back for duties from ML, he became OSL w.e.f. 07.08.2019 (AN) and failed to inform his whereabouts to his superiors. If he really suffering from ill health, nothing prevented him to report sick at nearby unit for extension of ML. But he did not do so and continued on un-authorized absence/OSL w.e.f. 07.08.2019 (AN) to till date. Even a period of more than (8) months has been elapsed, the charged officer has not attended for duties. Even a Re-call Memo was sent to his native address with instructions to report for duties immediately, he did not respond to the Re-call memo.

8) **OPINION:-** On the basis of the oral evidence/statement deposed by the PW and as per the documentary evidence available in the PR file the Article of Charge leveled against the charged officer Sri P.Babu Rao, CT-5344 is “**Proved**” beyond any reasonable doubt.

Certified that the procedure laid down in the Rule 20 of APCS (CC&A) Rules-1991 has been followed in conducting Oral Enquiry.

O. KRISHNAIAH,
Inquiring Authority,
Assistant Commandant,
APSPF, TTD, TIRUPATI.

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